

1 Remarks

2 Amendments to the Claims

3 Claim 1 has been amended to add one or more limitations from claim 10, and
4 to make the language of the claim clearer. Support for the amendments to claim 1
5 can be found in at least in the original claims.

6 Claims 4-9 have each been amended to make the language of those claims
7 consistent with the amendments to claim 1.

8 Claim 17 has been amended to delete superfluous language and to add
9 limitations from claim 10. Support for the amendments to claim 17 can be found at
10 least in the original claims.

11 Claims 21-23 have each been amended to make the language of those claims
12 consistent with the amendments to claim 17.

13 Claim 25 has been amended to add limitations from claim 10. Support for the
14 amendments to claim 25 can be found at least in the original claims.

15 Claims 28-32 have each been amended to make the language of those claims
16 consistent with the amendments to claim 25.

17 Claim 33 has been amended to add limitations from claim 10. Support for the
18 amendments to claim 33 can be found at least in the original claims.

19
20 Rejection of Claims under 35 U.S.C. § 102

21 Claims 1-7, 9, 17-19, 22-30 and 32-36 have been rejected under 35 U.S.C. §
22 102(b) as being anticipated by U.S. Patent No. 6,233,408 to Allen.

23 The applicants note that a claim is not anticipated unless each and every
24 element as set forth in the claim is found in a single prior art reference, and unless
25 the identical invention is shown in as complete detail as is contained in the claim.
(MPEP 2131.)

1 The examiner states, at paragraph 10, page 3, of the office action, that "Allen
2 does not teach generating a reward when a predefined collective quantity of the
3 individual quantities of consumable has been detected." The applicants agree that
4 Allen does not teach or suggest this limitation.

5 As is indicated herein above, the applicants have amended claim 1 so that
6 claim 1 now contains the limitation, "generating a reward when a predefined
7 collective quantity of the individual quantities of consumable has been detected."

8 Thus, claim 1 has been amended to now contain a limitation that is not taught
9 by Allen. Therefore, Allen does not anticipate claim 1 because each and every
10 element as set forth in claim 1 is not found in Allen, and because the identical
11 invention is not shown by Allen in as complete detail as is contained in the claim, as
12 is required for anticipation.

13 Accordingly, the applicants respectfully request that the rejection of claim 1 be
14 withdrawn and that claim 1 be allowed.

15 The applicants note that each of claims 2-7 and 9 depends from claim 1, and
16 therefore each of claims 2-7 and 9 contains all the limitations of claim 1. Therefore,
17 each of claims 2-7 and 9 is not anticipated by Allen for at least the reasons that claim
18 1 is not anticipated by Allen, as explained above.

19 Accordingly, the applicants respectfully request that the rejections of each of
20 claims 2-7 and 9 be withdrawn and that each of claims 2-7 and 9 be allowed.

21 As indicated herein above, the applicants have amended claim 17 so that
22 claim 17 now contains the following limitation:

23 "a processor configured to receive the consumption signals and to store a
24 consumption value in the electronic writeable memory device, the consumption
25 value being a function of a **collective** consumption of the plurality of consumables,
the processor further configured to read from the readable memory device the user

1 reward message when the consumption value is at least equal to a predetermined
2 reward value, and to visually display the reward message to the user."

3 The applicants contend that the above limitation of claim 17 is not taught by
4 Allen for at least the reasons that the following limitation from claim 1 is not taught by
5 Allen: generating a reward when a predefined collective quantity of the individual
6 quantities of consumable has been detected."

7 Thus, claim 17 has been amended to now contain a limitation that is not
8 taught by Allen. Therefore, Allen does not anticipate claim 17 because each and
9 every element as set forth in claim 17 is not found in Allen, and because the identical
10 invention is not shown by Allen in as complete detail as is contained in the claim, as
11 is required for anticipation.

12 Accordingly, the applicants respectfully request that the rejection of claim 17
13 be withdrawn and that claim 17 be allowed.

14 The applicants note that each of claims 18, 19 and 22-24 depends from
15 claim 17, and therefore each of claims 18, 19 and 22-24 contains all the limitations of
16 claim 17. Therefore, each of claims 18, 19 and 22-24 is not anticipated by Allen for
17 at least the reasons that claim 17 is not anticipated by Allen, as explained above.

18 Accordingly, the applicants respectfully request that the rejections of each of
19 claims 18, 19 and 22-24 be withdrawn and that each of claims 18, 19 and 22-24
20 be allowed.

21 As is indicated herein above, the applicants have amended claim 25 so that
22 claim 25 now contains the limitation, "when the consumption of a predefined
23 collective quantity of the consumables has been detected, generate a
24 reward message."

25 As is explained herein above, this limitation is not taught by Allen. Thus,
claim 25, as amended, now contains a limitation that is not taught by Allen.
Therefore, Allen does not anticipate claim 25 because each and every element as

1 set forth in claim 25 is not found in Allen, and because the identical invention is not
2 shown by Allen in as complete detail as is contained in the claim, as is required
3 for anticipation.

4 Accordingly, the applicants respectfully request that the rejection of claim 25
5 be withdrawn and that claim 25 be allowed.

6 The applicants note that each of claims 26-30 and 32 depends from claim 25,
7 and therefore each of claims 26-30 and 32 contains all the limitations of claim 25.
8 Therefore, each of claims 26-30 and 32 is not anticipated by Allen for at least the
9 reasons that claim 25 is not anticipated by Allen, as explained above.

10 Accordingly, the applicants respectfully request that the rejections of each of
11 claims 26-30 and 32 be withdrawn and that each of claims 26-30 and 32 be allowed.

12 As indicated herein above, the applicants have amended claim 33 so that
13 claim 33 now contains the following limitations:

14 "receive consumption signals from a consumption detection device configured
15 to detect quantities of a plurality of consumables which are consumed by the imaging
16 device;

17 calculate a consumption value as a function of the **collective** consumption of
18 the consumables, and store the consumption value in a readable memory device;

19 determine when the consumption value is at least a predetermined
20 reward value;

21 generate the reward message when the consumption value is at least the
22 predetermined reward value."

23 The applicants contend that the above limitations of claim 33 are not taught
24 by Allen for at least the reasons that the following limitation from claim 1 is not taught
25 by Allen: generating a reward when a predefined collective quantity of the individual
quantities of consumable has been detected."

1 Thus, claim 33, as amended, now contains limitations that are not taught by
2 Allen. Therefore, Allen does not anticipate claim 33 because each and every
3 element as set forth in claim 33 is not found in Allen, and because the identical
4 invention is not shown by Allen in as complete detail as is contained in the claim, as
5 is required for anticipation.

6 Accordingly, the applicants respectfully request that the rejection of claim 33
7 be withdrawn and that claim 33 be allowed.

8 The applicants note that each of claims 34-36 depends from claim 33, and
9 therefore each of claims 34-36 contains all the limitations of claim 33. Therefore,
10 each of claims 34-36 is not anticipated by Allen for at least the reasons that claim 33
11 is not anticipated by Allen, as explained above.

12 Accordingly, the applicants respectfully request that the rejections of each of
13 claims 34-36 be withdrawn and that each of claims 34-36 be allowed.

14
15 Rejection of Claims under 35 U.S.C. § 103

16 Claims 8, 10-16, 20, 21 and 31 have been rejected under 35 U.S.C. § 103(a)
17 as being unpatentable (obvious) over Allen.

18 Claim 8 depends from claim 1, and claim 8 therefore contains all the
19 limitations of claim 1. Thus, claim 8 is allowable for at least the reasons that claim 1
20 is allowable as argued above.

21 Claims 20 and 21 depend from claim 17, and each of claims 20 and 21
22 therefore contain all the limitations of claim 17. Thus, each of claims 20 and 21 is
23 allowable for at least the reasons that claim 17 is allowable as argued above.

24 Claim 31 depends from claim 25, and claim 31 therefore contains all the
25 limitations of claim 25. Thus, claim 31 is allowable for at least the reasons that claim
25 is allowable as argued above.

1 The applicants note that claim 10 contains the limitation, "when a predefined
2 collective quantity of the individual quantities of consumables has been detected,
3 rewarding a user..." and that claim 12 contains the limitation, "when a predefined
4 collective quantity of the individual quantities of consumable has been detected,
5 generating a reward."

6 The applicants contend that these two limitations are not taught by Allen for at
7 least the reason that the limitation, generating a reward when a predefined collective
8 quantity of the individual quantities of consumable has been detected is not taught
9 by Allen.

10 The examiner contends, however, that it would have been obvious to one of
11 ordinary skill in the art to modify the teachings of Allen to have these limitations of
12 claims 10 and 12 because the limitations "minimize transaction cost." That is, the
13 examiner admits that the limitation, generating a reward when a predefined collective
14 quantity of the individual quantities of consumable has been detected, although it is
15 not taught by any prior art reference, would have been an obvious modification for
16 one of ordinary skill in the art because this modification would have minimized
17 transaction cost.

18 It appears to the applicants that the examiner is taking official notice of facts
19 not supported by documentary evidence in making the rejections of claims 10 and
20 12. Specifically, it appears that the examiner is taking official notice of the limitation,
21 generating a reward when a predefined collective quantity of the individual quantities
22 of consumable has been detected existing in the prior art, and also taking official
23 notice that that the proposed modification would have minimized transaction cost.

24 The applicants contend that there is no documentary evidence to support the
25 examiner's contentions that the limitation, generating a reward when a predefined
collective quantity of the individual quantities of consumable has been detected
exists in the prior art, nor is there any documentary evidence to support the

1 examiner's conclusion that the proposed modification would have necessarily
2 minimized transaction cost.

3 The applicants note that official notice of facts beyond the record which may
4 be taken by the examiner must be capable of such instant and unquestionable
5 demonstration as to defy dispute. (MPEP 2144.03(A).) The applicants contend that
6 the examiner's assertions and/or conclusions do not defy dispute.

7 The applicants assert that the limitation generating a reward when a
8 predefined collective quantity of the individual quantities of consumable has been
9 detected is not known in the prior art, and that it is unreasonable to conclude that
10 such a modification would necessarily minimize transaction costs. In fact, the
11 applicants contend that the proposed modification would not necessarily have any
12 bearing on the transaction costs. Specifically, the applicants contend that generating
13 a reward when a predefined collective quantity of the individual quantities of
14 consumable has been detected could actually result in an increased number of
15 transactions, which therefore could actually result in an increase transaction cost.
16 This is opposite of the reasoning relied upon by the examiner. Therefore, rather than
17 defying dispute, the examiner's conclusions are clearly disputable.

18 The applicants note that if an applicant challenges a factual assertion not
19 properly officially noticed or not properly based upon common knowledge, the
20 examiner must support the finding with adequate evidence. (MPEP 2144.03(C).)

21 **The applicants hereby traverse the examiner's assertion of official**
22 **notice and request that the examiner provide documentary evidence in the**
23 **next Office action if the rejections of claims 10 and 12 are to be maintained.**

24 The applicants contend that with respect to claims 10 and 12, neither claim is
25 obvious in view of Allen because Allen does not teach all of the limitations of the
respective claim, as is required for a finding of obviousness. Furthermore, neither
claim is obvious in view of Allen because there is no suggestion or motivation either

1 in Allen or in the knowledge generally available to one of ordinary skill in the art to
2 modify Allen, as is also required for a finding of obviousness.

3 Claim 11 depends from claim 10, and claims 13-16 depend from claim 12.
4 Thus, claim 11 includes the limitations of claim 10, and each of claims 13-16 include
5 the limitations of claim 12. Claim 11 is therefore nonobvious for at least the reasons
6 that claim 10 is nonobvious as explained above, and each of claims 13-16 is
7 therefore nonobvious for at least the reasons that claim 12 is nonobvious as
8 explained above.

9
10 Summary

11 The applicants believe that this response constitutes a full and complete
12 response to the Office Action. In view of the foregoing, the applicants respectfully
13 request reconsideration on the merits of claims 1-36 in favor of timely allowance.

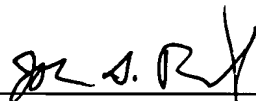
14 The examiner is respectfully requested to contact the below-signed
15 representative if the Examiner believes this will facilitate prosecution toward
16 allowance of the claims.

17
18 Respectfully submitted,

19 Travis J. Parry and Robert Seek

20
21 Date: October 30, 2006

22 By



John S. Reid
Attorney and Agent for Applicants
Reg. No. 36,369
Phone: (509) 534-5789